

Assembly Bill No. 2316

CHAPTER 965

An act to add Chapter 17 (commencing with Section 7440) to Title 7 of Part 3 of the Penal Code, relating to children of incarcerated women.

[Approved by Governor September 29, 2000. Filed
with Secretary of State September 30, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2316, Mazzoni. Children of incarcerated women: study.

Existing law establishes the California Institution for Women for the punishment, treatment, supervision, custody, and control of females convicted of felonies. The Department of Corrections is required to establish and implement a community treatment program for women sentenced to state prison who have one or more children under the age of 6 years. In operating the program, the department is required to make its prime concern the establishment of a safe and wholesome environment for the participating children.

This bill would require the California Research Bureau in the California State Library, pursuant to specified guidelines, to conduct a study of the children of women who are incarcerated in state prisons.

The bill would require the bureau to convene an advisory group to assist in designing and administering the study. This bill would declare that the costs of the measure would be paid from money appropriated for its purposes in the State Budget and would authorize payment of travel and per diem expenses to members of the advisory panel. This bill would also require certain local agencies and school districts to permit the California Research Bureau to have reasonable access to certain records, as specified.

The people of the State of California do enact as follows:

SECTION 1. Chapter 17 (commencing with Section 7440) is added to Title 7 of Part 3 of the Penal Code, to read:

CHAPTER 17. CHILDREN OF INCARCERATED PARENTS

7440. The California Research Bureau in the California State Library shall conduct a study of the children of women who are incarcerated in state prisons. The California Research Bureau shall design and complete the study, surveying selected state prisoners in cooperation with the Department of Corrections, and reviewing the

records of local agencies to obtain outcome information about a sample of women prisoners' children.

7441. The purpose of the survey of state prisoners is to determine how many have children and to gather basic information about the children to include the following variables, among others:

- (a) Number.
- (b) Age.
- (c) Siblings.
- (d) Location.
- (e) Caregiver.
- (f) Grade and performance in school.
- (g) Medical issues.
- (h) Possible delinquency.
- (i) Visitation.
- (j) Possible involvement in the child welfare system.
- (k) Other pertinent information.

7442. (a) The purpose of the review of local agency records, in a representative sample of California counties, is to obtain outcome information about the status of a sample of the children of incarcerated parents and their caregivers.

(b) Women prisoners who participate in the survey sample of state prisoners shall provide written permission allowing the California Research Bureau access to their children's records in regard to school performance, identity of the caretaker responsible for the child, child protective services records, public assistance records, juvenile justice records, and medical records including drug or alcohol use, and mental health. The California Research Bureau shall follow appropriate procedures to ensure confidentiality of the records and to protect the privacy of the survey participants and their children.

(c) County agencies, including members of multidisciplinary teams, and school districts shall permit the California Research Bureau to have reasonable access to records, pursuant to subdivision (b), to the extent permitted by federal law.

(d) Notwithstanding Section 10850 of the Welfare and Institutions Code, the survey required by this section is deemed to meet the research criteria identified in paragraph (3) of subdivision (c) of Section 11977 of the Health and Safety Code, and subdivision (e) of Section 5328 of the Welfare and Institutions Code. For purposes of this study, the research is deemed not to be harmful for the at-risk and vulnerable population of children of women prisoners.

(e) For purposes of the study only, the California Research Bureau is authorized to survey records, reports, and documents described in Section 827 and in paragraph (3) of subdivision (h) of Section 18986.4 of the Welfare and Institutions Code, and information relative to the incidence of child abuse, as provided by Section 11167, among children in the study sample.



(f) School districts shall permit reasonable access to directory information by the California Research Bureau for purposes of this study. The California Research Bureau is deemed an appropriate organization to conduct studies for legitimate educational interests, including improving instruction, for purposes of paragraph (4) of subdivision (b) of Section 4906 of the Education Code. School variables that the California Research Bureau shall survey shall include, but not be limited to, attendance patterns, truancy rates, achievement level, suspension and expulsion rates, and special education referrals.

7443. The California Research Bureau shall follow appropriate procedures to ensure confidentiality of the records and to protect the privacy of the survey participants and their children, and participating agencies. Data compiled from case files shall be coded under an assigned number and not identified by name. Survey questionnaires and coding forms shall be exempt from the public disclosure requirements prescribed by Chapter 3.4 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code.

7444. The California Research Bureau shall convene an advisory group to assist in designing and administering the study.

7445. The California Research Bureau shall submit a report to the Legislature on or before January 1, 2003, analyzing the findings of its research, upon completion of the study.

(a) Of the funds identified in provision (2) of Item 6120-011-0001 of the 2000-01 State Budget, forty thousand dollars (\$40,000) shall be made available, in consultation with the Assembly Rules Committee, to be used for the purposes of this act, including, but not limited to, contracts for outside researchers.

(b) Members of the advisory group convened pursuant to Section 7444 of the Penal Code, shall not receive compensation for their services but shall be reimbursed for travel and per diem expenses incurred while assisting in designing and administering the study required by this act. These expenses may be paid from the forty thousand dollars (\$40,000) made available in subdivision (a).